## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

APRIL C. MITCHELL,	]	
Plaintiff,	]	
v.	]	No. 3:08-mc-0174
MCDONALD'S,	]	JUDGE HAYNES
Defendant.	] ]	
	ORDER	

Before the Court is the Plaintiff's complaint and application to proceed *in forma pauperis* (Docket Entry No. 2).

Pursuant to 28 U.S.C. § 1915, the Court conducted an initial review of the complaint and Plaintiff's prior litigation hearing. The Court adopts the Report and Recommendation of the Magistrate Judge in Mitchell v. City of Nashville, 3:08-0834 (Docket Entry No. 5) filed September 9, 2008.

Accordingly, this action is **DISMISSED without prejudice** unless Plaintiff pays the three hundred fifty (\$350.00) within thirty (30) days of the filing of this Order.

It is so **ORDERED**.

ENTERED this the /8 day of September, 2008.

United States District Judge